

**ANDOVER CITY PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
Tuesday, November 21, 2017  
Minutes**

1. Call to order. 00:00:49

Chairman Brian Lindebak called the meeting to order at 7:01 p.m.

2. Roll call 00:01:15

Chairman Lindebak welcomed new Planning Commission member Gary Israel.

Planning Commission members in attendance: Stephanie Gillespie, Lynn Heath, Mike Warrington, Brian Lindebak, William Schnauber, Gary Israel and Kirsten Bender. Member Tyson Bean was not in attendance. Kirsten Bender arrived at 7:03 p.m.

Staff in attendance: Director of Public Works Les Mangus, City Administrator Mark Detter and Administrative Assistant Daynna DuFriend.

A/V: Cindy Barrett

3. Approval of the minutes of the September 19, 2017 meeting. 00:01:31

*A motion was made by Mike Warrington, seconded by Lynn Heath to approve the minutes of the September 19, 2017 meeting. Motion carried 5/0/2. Brian Lindebak and Gary Israel abstained.*

4. Communications 00:02:00

- A. Committee and Staff Report
- B. Potential Residential Development Report

5. Z-2017-04- Public hearing on an application filed by the Rosemary J. Cauley Living Trust for a change of zoning district classification from the present R-1 Single-Family Residential District to the B-2 Neighborhood Business District located at 338 N. Andover Road, Andover, Kansas. 00:02:58

Les Mangus explained that this is a vacant lot adjacent to the existing rental store. The next agenda item is a special use request to expand the equipment rental yard.

Chairman Lindebak stated that this zoning classification is part of the comprehensive development plan for the City and would be acceptable.

Nathan Elmore, 328 N. Andover Rd., Andover, KS, agent to the applicant and owner of the rental business was present.

Chairman Lindebak opened the public hearing.

Tim Berry, 347 N. Porth Ave., Andover, KS, announced that the neighbors support this request.

Chairman Lindebak closed the public hearing.

Gary Israel asked staff where the sewer line easement is on the property and would it be affected by any building that could cover it.

Les Mangus noted that the existing sewer line basically bi-sects the lot. Any building on the lot would have to be outside of that easement.

Mike Warrington asked if the sewer line could be relocated and what the size of the line was.

Les Mangus said that it would be a considerable expense to move the 8-inch line.

Gary Israel asked if the plan for this area is to be outdoor storage or if a building would be put on that property. What would be stored and where and would fencing be installed.

Les Mangus stated that nothing prohibits building up to but not across the easement. The applicant would have to explain details of the plan.

Mr. Elmore assured that the outdoor storage would be only for equipment. As he discussed with staff previously, a 6-foot chain link fence would be across the front (west) and side (north) with a 6-foot wood fence along the rear (east) to buffer the residential properties at the back.

ANDOVER CITY PLANNING COMMISSION      Agenda Item No. 5

## REZONING REPORT \*

CASE NUMBER: Z-2017-04

APPLICANT/AGENT: **Rosemary J. Cauley Living Trust / Nathan A. Elmore**

**REQUEST: Proposed change of zoning district classification from the present R-1 Single-Family Residential District to the B-2 Neighborhood Business District.**

**CASE HISTORY:** **The Andover Rental Center owners have a contract to purchase the subject property with the intent of expanding the rental center.**

**LOCATION:** **338 N. Andover Road, Andover, Kansas.**

**SITE SIZE:** **±1.4 acres**

**PROPOSED USE:** **General rental center including outdoor storage**

**ADJACENT ZONING AND EXISTING LAND USE:**

North: R-1 Single-Family Residential District – legal nonconforming Helena Nursery

South: B-2 Neighborhood Business District – Andover Rental Center

East: R-1 Single-Family Residential District – single family residence

West: B-2 Neighborhood Business District – Equity Bank

**Background Information:**

\* Note: This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Planning Commission's considered opinion. Sample motions are provided to ensure the accuracy of the motion and facilitate the summary of the hearing for the minutes. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

(As per Article 11, Section 100 of the City of Andover Zoning Regulation – 1993)

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district classifications, (2) the applicant's reasons for seeking such reclassification, and (3) a statement of the factors where relevant upon which the recommendation of the Commission is based using the following factors as guidelines:

**FACTORS AND FINDINGS:**

1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Uses on page 1 of 4)

YES NO

STAFF:

PLANNING:

COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change? (See Adjacent Zoning on page 1 of 4)

YES NO

STAFF:

PLANNING:

COUNCIL:

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

YES NO

X

STAFF: The subject property has a sewer line easement that traverses the property east to west that bisects the lot building area, which presents some difficulty in developing the property as a standalone enterprise.

X

PLANNING:

COUNCIL:

4. Would the request correct an error in the application of these regulations?

YES NO

X STAFF:

X PLANNING:

COUNCIL:

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

YES NO

X

STAFF: The properties along Andover Rd. in the area have generally trended to commercial uses.

X

PLANNING:

COUNCIL:

6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?

YES NO

STAFF: Water, sewer, and public streets are in place and adequate.  
 PLANNING:  
 COUNCIL:

7. Would the subject property need to be platted or replatted in lieu of dedications made for rights-of-way, easements access control or building setback lines?

YES NO

STAFF: Andover Rd. street right of way would need to be dedicated to the 50' minimum.  
 PLANNING:  
 COUNCIL:

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

YES NO

STAFF: Site Plan Review Committee approval would be required for any improvements.  
 PLANNING:  
 COUNCIL:

9. Are suitable vacant lands or buildings available or not available for development that currently has the same zoning as is requested?

YES NO

STAFF: N/A  
PLANNING: N/A  
COUNCIL:

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

YES NO

STAFF: The success of the existing rental center requires additional space for expansion.  
 PLANNING:  
 COUNCIL:

11. Is the subject property suitable for the current zoning to which it has been restricted?

YES    NO

STAFF:    The surrounding businesses and Andover Rd. traffic make the subject property less desirable for residential use.

PLANNING:  
COUNCIL:

12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

YES    NO

STAFF:    Increased activity, lighting, noise, etc. have an effect on the adjacent single family residence if not properly screened and buffered.

PLANNING:  
COUNCIL:

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

YES    NO

STAFF:    The restricted list of permitted commercial uses provides a lesser degree of incompatibility with nearby residences.

PLANNING:  
COUNCIL:

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

YES    NO

STAFF:    The Comp Plan contemplates the conversion of residential properties along Andover Rd. to limited commercial uses and the intensification of commercial uses around the commercial “node” at Central and Andover Rd.

PLANNING:  
COUNCIL:

15. What is the nature of the support or opposition to the request?

YES    NO

STAFF:    None at this time.

PLANNING: Neighborhood on east side support this request.

COUNCIL:

16. Are there any informational materials or recommendations available from knowledgeable persons or experts which would be helpful in its evaluation?

YES NO

STAFF: Staff knows of no reason not to approve the requested change in zoning district classification pending the outcome of the public hearing.

PLANNING:  
COUNCIL:

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request?

YES NO

STAFF:  
PLANNING:  
COUNCIL:

*Having considered the evidence at the hearing and the factors to evaluate the zoning application, I, Mike Warrington move that we recommend to the Governing Body that Case No. **Z-2017-04** be approved to change the zoning district classification from the R-1 Single-Family Residential District to the B-2 Neighborhood Business District based on the findings **3, 5, 11, 14, 15** of the Planning Commission as recorded in the summary of this hearing. And that the following condition be attached to this recommendation, (none). Motion seconded by Lynn Heath. Motion carried 7/0.*

*Read by Chairman Lindebak:*

#### **CLOSING REMARKS AND PROTEST PETITIONS:**

This case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of **December 12, 2017** which begins at 7:00 p.m. in the Council's meeting room in City Hall. (The video recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.)

Protest petitions against the change in zoning and/or special use, but not directed at the Planning Commission's recommendations as such, may be received by the City Clerk for 14 days after tonight, i.e. **December 5, 2017 at 4:30 p.m.** If there are properly signed and notarized protest petitions with accurate legal descriptions from the (owners of record of 20% or more of any real property proposed to be rezoned) (or) (owners of record of 20% or more of the total real property within the official area of notification) both inside and outside the City not counting

public street rights-of-way, then such a change shall not be passed except by a three-fourths vote of all the members of the Governing Body. (See Section 11-103.)

6. [SU-2017-02- Public hearing on an application filed by the Rosemary J. Cauley Living Trust for a Special Use request to develop a general rental center including outdoor storage in the B-2 Neighborhood Business District located at 338 N. Andover Road, Andover, Kansas.](#) 00:21:16

Nathan Elmore, 328 N. Andover Rd., Andover, KS, agent to the applicant was present.

Chairman Lindebak asked what type of screening component would be used for screening along Andover Road and the perimeter.

Mr. Elmore explained that they plan to install a 6-foot solid wood fence along the back of the property with chain link fencing on the side and the front as is currently on the business property.

Chairman Lindebak inquired if the applicant would be objectionable to installing solid fencing along the front for screening of the outdoor storage. This business is expanding to a greater degree along Andover Road.

Mr. Elmore stated that he would be opposed as that would block the view of the available equipment that is a form of advertising to people passing by.

Mike Warrington asked if more landscaping could possibly be used.

Les Mangus suggested that this message be sent to the Site Plan Review Committee for their review.

Lynn Heath said the front may not be as much of a concern as the sides of the property from the neighbors. It is a good idea for the equipment being used for advertising.

Mr. Elmore explained that as the owner, his opinion is different. As people drive by and see the equipment that brings them in to rent it. He is not opposed to doing additional landscaping but is not in favor of additional screening along the front. They do not have screening on the fence they currently have along the front on the other property and there has not been an issue in the past 11 years of operation.

Gary Israel asked what condition the existing fence was in and if there have been any issues with it.

Mr. Elmore said that the existing fence is a 6-foot chain link fence with a gate and they have never had any complaints. The new fence would tie-in on the north side of the building, going across the front and along the side.

Kirsten Bender inquired as to whether all of the equipment inventory would be displayed or just one of each unit.

Mr. Elmore replied that they don't usually display all of the inventory. A lot of the items are either stored inside or is out on rotation with rentals. The main thing is to have the equipment visible for people to see as they pass by.

William Schnauber asked where the front fence would be placed.

Mr. Elmore said that it would be installed wherever the setback was from the front easement.

Les Mangus advised that the minimum front yard is 35 feet and the existing building is at or about at that 35 feet. Many of these issues are more Site Plan specific and would be reviewed once the Site Plan Review Committee can see how the property is to be used.

Chairman Lindebak commented that in the previous ordinance approved for the existing facility, it states that the outdoor storage will be kept inside the building or in the rear of the building. He asked if that would be continued.

Mr. Elmore said that they will continue to put equipment out front for advertising each day then move it back in at the close of business.

Chairman Lindebak opened the public hearing.

Tim Berry, 347 N. Porth Ave., Andover, KS, stated the only concern is for the noise and possible dust from gravel.

Chairman Lindebak closed the public hearing.

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 6

**SPECIAL USE REPORT \***

CASE NUMBER: **SU-2017-02**

APPLICANT/AGENT: **Rosemary J. Cauley Living Trust / Nathan A. Elmore**

REQUEST: **Special Use requested to establish a general rental center including outdoor storage in the B-2 Neighborhood Business District.**

CASE HISTORY: **The Andover Rental Center owners have a contract to purchase the subject property with the intent of expanding the rental center**

LOCATION: **338 N. Andover Road, Andover, Kansas.**

SITE SIZE: **±1.4 acres**

PROPOSED USE: **General rental center including outdoor storage**

**ADJACENT ZONING AND EXISTING LAND USE:**

North: R-1 Single-Family Residential District

South: B-2 Neighborhood Business District

East: R-1 Single-Family Residential District

West: B-2 Neighborhood Business District

**Background Information:**

\* Note: This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their special use recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission's considered opinion.

Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district classifications, (2) the applicant's reasons for seeking such reclassification, and (3) a statement of the factors where relevant upon which the recommendation of the Commission is based using the following factors as guidelines:

**FACTORS AND FINDINGS:**

1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Uses on page 1 of 4)

YES

NO

STAFF:

PLANNING:

COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change?  
(See Adjacent Zoning on page 1 of 4)

YES      NO

NO

STAFF:  
PLANNING:  
COUNCIL:

3. Is the length of time that the subject property has remained undeveloped or vacant as a factor in the consideration?

YES      NO

X      STAFF:      The subject property has a sewer line easement that traverses the property east to west that bisects the lot building area, which presents some difficulty in developing the property as a standalone enterprise.

X      PLANNING:  
COUNCIL:

4. Would the request correct an error in the application of these regulations?

YES      NO

X      STAFF:  
X      PLANNING:  
COUNCIL:

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

YES      NO

X      STAFF:      The properties along Andover Rd. in the area have generally trended to commercial uses.

X      PLANNING:  
COUNCIL:

6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?

YES      NO

X      STAFF:      Water, sewer, and public streets are in place and adequate.  
X      PLANNING:  
COUNCIL:

7. Would the subject property need to be platted or replatted in lieu of dedications made for rights of way, easements access control or building setback lines?

YES NO

STAFF: Andover Rd. street right of way would need to be dedicated to the 50' minimum.

PLANNING:  
COUNCIL:

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

YES NO

STAFF: Site Plan Review Committee approval would be required for any improvements.

PLANNING:  
COUNCIL:

9. Are suitable vacant lands or buildings available or not available for development that currently has the same zoning as is requested?

YES NO

STAFF: N/A

PLANNING: N/A

COUNCIL:

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

YES NO

STAFF: The success of the existing rental center requires additional space for expansion.

PLANNING:  
COUNCIL:

11. Is the subject property suitable for the current zoning to which it has been restricted?

YES NO

STAFF: The surrounding businesses and Andover Rd. traffic make the subject property less desirable for residential use.

PLANNING:  
COUNCIL:

12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

YES NO

STAFF: Increased activity, lighting, noise, etc. have an effect on the adjacent single family residence if not properly screened and buffered.

PLANNING:  
COUNCIL:

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

YES NO

STAFF: The Zoning Regulations provide for the special use process for uses not specifically permitted in a zoning district, but which could be permitted in specific locations.

PLANNING:  
COUNCIL:

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

YES NO

STAFF: The Comp Plan contemplates the conversion of residential properties along Andover Rd. to limited commercial uses and the intensification of commercial uses around the commercial "node" at Central and Andover Rd.

PLANNING:  
COUNCIL:

15. What is the nature of the support or opposition to the request?

YES NO

STAFF: None at this time.

PLANNING: Neighbors concerned with noise & dust, support request

COUNCIL:

16. Are there any informational materials or recommendations available from knowledgeable persons or experts which would be helpful in its evaluation?

YES NO

STAFF: Staff knows of no reason not to approve the requested special use pending the outcome of the public hearing, conditioned upon the installation of a 6' solid screening fence on the east side of the property.

PLANNING:  
COUNCIL:

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request?

YES   NO

STAFF:

PLANNING:

COUNCIL:

*Having considered the evidence at the hearing and the factors to evaluate the special use application, I, Mike Warrington, move that we recommend to the Governing Body that Case No. **SU-2017-02** be **approved** for the establishment of a general rental center including outdoor storage in the B-2 Neighborhood Business District based on the findings 5, 6, 7, 8, 10, 13, 14, 16 of the Planning Commission as recorded in the summary of this hearing, with the following conditions: 1. Dedication of Andover Road 50-foot minimum half street right of way., 2. Installation of a minimum 6-foot tall solid screening fence on the east property line., 3. No storage of equipment on the front yard building set back area. Motion seconded by Lynn Heath. Motion carried 6/0/1. Brian Lindebak opposed.*

Read by Chairman Lindebak:

#### **CLOSING REMARKS AND PROTEST PETITIONS:**

This case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of December 12, 2017 which begins at 7:00 p.m. in this same meeting room. The tape recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.

Protest petitions against the special use, but not directed at the Commission's recommendations as such, may be received by the City Clerk for 14 days after tonight, i.e. December 5, 2017 at 4:30 p.m. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property within the official area of notification both inside and outside the City not counting public street rights of way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all the members of the City Council. (See Section 11-103.)

7. [Z-2017-05- Public hearing on an application filed by Craig and Linda Hill for a change of zoning district classification from the present R-2 Single-Family Residential District to the R-4 Multiple-Family Residential District located at 1149 N. Main and 1205 N. Main, Andover, Kansas.](#) 00:51:14

Les Mangus explained that this is two existing lots that together total 80,000 square feet/1.8 acres along North Main Street in the neighborhood revitalization area. There is a mix of single-family and multi-family properties in this area as well as a mix of owner occupied and rental properties.

Chairman Lindebak asked staff is there was a reason why the applicant is asking for R-4 as opposed to R-3 zoning.

Les Mangus answered that in the scenarios presented to staff the only real difference is that R-3 has a 25-foot minimum yard requirement, whereas the R-4 has a 20-foot requirement. When these two properties are combined it could make for a tight site to have two rows of houses along a common driveway. The applicant is contemplating several different layouts.

Tom Baalmann, 1246 N. Forest View, Wichita, KS, business partner of applicant was present.

Chairman Lindebak asked if the request for R-4 zoning was for the front setback.

Mr. Baalmann replied that it is for the front setback and the side yard setback. They are thinking of putting in a private street rather than a public street and to maximize space their engineer suggested using R-4 rather than R-3.

Chairman Lindebak opened the public hearing.

There were no public comments.

Chairman Lindebak closed the public hearing.

Chairman Lindebak asked staff what the maximum density of R-4 in comparison to R-3.

Les Mangus stated that they are essentially the same allowing one dwelling unit per 3,000 square feet.

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 7

REZONING REPORT \*

CASE NUMBER: **Z-2017-05**

**APPLICANT/AGENT: Craig A. Hill & Linda M. Hill Joint Revocable Trust**

**REQUEST:** Proposed change of zoning district classification from the present R-2 Single-Family Residential District to the R-4 Multiple-Family Residential District.

**CASE HISTORY:**

**LOCATION:** **1149 N. Main and 1205 N. Main, Andover, Kansas.**

**SITE SIZE:** **±1.8 acres (includes both sites)**

**PROPOSED USE:** **Allow development of multi-family units on both sites.**

**ADJACENT ZONING AND EXISTING LAND USE:**

North: R-2 Single-Family Residential District

South: R-2 Single-Family Residential District

East: R-2 Single-Family Residential District, B-2 Neighborhood Business District, B-1 Office Business District

West: R-1 Single-Family Residential District

**Background Information:**

The applicant has purchased two dilapidated single family homes in the Neighborhood Revitalization Program area with the intentions of building a small multifamily housing development.

\* Note: This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Planning Commission's considered opinion. Sample motions are provided to ensure the accuracy of the motion and facilitate the summary of the hearing for the minutes. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

(As per Article 11, Section 100 of the City of Andover Zoning Regulation – 1993)

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district classifications, (2) the applicant's reasons for seeking such reclassification, and (3) a statement

of the factors where relevant upon which the recommendation of the Commission is based using the following factors as guidelines:

**FACTORS AND FINDINGS:**

1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Uses on page 1 of 4)

YES NO

STAFF:

PLANNING:

COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change? (See Adjacent Zoning on page 1 of 4)

YES NO

STAFF:

PLANNING:

COUNCIL:

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

YES NO

X STAFF:

X PLANNING:

COUNCIL:

4. Would the request correct an error in the application of these regulations?

YES NO

X STAFF:

X PLANNING:

COUNCIL:

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

YES NO

X STAFF:

The Neighborhood Revitalization Program is intended to incentivize the improvement of blighted areas by providing a partial tax rebate for the increases in property values. The tax incentives make the demolition of dilapidated structures and construction of new housing alternatives more appealing to developers.

X PLANNING:  
COUNCIL:

6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?

YES NO

STAFF: Water, sewer, and public streets are in place and adequate.  
 PLANNING:  
 COUNCIL:

7. Would the subject property need to be platted or replatted in lieu of dedications made for rights-of-way, easements access control or building setback lines?

YES NO

STAFF: Platting would be required.  
 PLANNING:  
 COUNCIL:

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

YES NO

STAFF: Site Plan Review Committee approval would be required.  
 PLANNING:  
 COUNCIL:

9. Are suitable vacant lands or buildings available or not available for development that currently has the same zoning as is requested?

YES NO

STAFF: No properties zoned appropriately for the proposed use are available in the area.  
 PLANNING:  
 COUNCIL:

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

YES NO

STAFF: N/A  
PLANNING: N/A  
COUNCIL:

11. Is the subject property suitable for the current zoning to which it has been restricted?

YES NO

STAFF:  
 PLANNING:  
 COUNCIL:

12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

YES NO

STAFF: Increased activity, traffic, etc.

PLANNING: Same

COUNCIL:

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

YES NO

X STAFF: The proposed parcel does not fully comply with the intent of the district because it is not located on a collector or arterial street. But the configuration of the parcel does not lend itself to full utilization with a more restrictive zone.

X PLANNING:  
COUNCIL:

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

YES NO

X STAFF: The Comp Plan supports the development of a variety of housing options.

X PLANNING:  
COUNCIL:

15. What is the nature of the support or opposition to the request?

YES NO

STAFF: None at this time.

PLANNING: Same

COUNCIL:

16. Are there any informational materials or recommendations available from knowledgeable persons or experts which would be helpful in its evaluation?

YES NO

X STAFF: Staff knows of no reason not to approve the application.

X PLANNING:  
COUNCIL:

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request?

YES   NO

STAFF:

PLANNING:  
 COUNCIL:

*Having considered the evidence at the hearing and the factors to evaluate the zoning application, I, Mike Warrington move that we recommend to the Governing Body that Case No. Z-2017-05 be approved to change the zoning district classification from the R-2 Single-Family Residential District to the R-4 Multiple-Family Residential District based on the findings 5, 6, 7, 8, 11, 14, 16 of the Planning Commission as recorded in the summary of this hearing. And that the following condition be attached to this recommendation, 1. Complete platting. Motion seconded by Lynn Heath. Motion carried 7/0.*

Read by Chairman Lindebak:

#### **CLOSING REMARKS AND PROTEST PETITIONS:**

This case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of **December 12, 2017** which begins at 7:00 p.m. in the Council's meeting room in City Hall. (The video recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.)

Protest petitions against the change in zoning and/or special use, but not directed at the Planning Commission's recommendations as such, may be received by the City Clerk for 14 days after tonight, i.e. **December 5, 2017 at 4:30 p.m.** If there are properly signed and notarized protest petitions with accurate legal descriptions from the (owners of record of 20% or more of any real property proposed to be rezoned) (or) (owners of record of 20% or more of the total real property within the official area of notification) both inside and outside the City not counting public street rights-of-way, then such a change shall not be passed except by a three-fourths vote of all the members of the Governing Body. (See Section 11-103.)

8. SU-2017-03- Public hearing on an application filed by Nicole Holland and Linda Lovett for a Special Use request to develop a riding academy in the A-1 Agricultural Transition District located at 2213 E. 13th Street, Andover, Kansas.      01:05:45

Les Mangus explained that this property is at the edge of the city limits on east 13<sup>th</sup> Street. Along the east edge of the property is a cross-country electric power line and fuels pipeline, creating a natural boundary. The Prairie Creek Addition is across the street to the north. The property is served by RWD #5 and public sewer would be available. Adjacent to this property is a substantial waterway along one side that may come into consideration that the owner is aware of.

Nicole Holland, 1453 N. Ridgehurst Ct., Wichita, KS, applicant, was present.

Ms. Holland explained that they are planning to run a sewer line and will have a private road on the property. There is pavement (13<sup>th</sup> Street) to the west side of the property, so there will be access from pavement. They plan to have a 6-stall barn with an apartment, an indoor riding arena and a hay storage facility. This will be a private use facility and not used for showings or large events.

Chairman Lindebak asked if a resident will be living on the property and asked staff if pavement on 13<sup>th</sup> Street would be extended.

Ms. Holland said that there would be a resident on the property.

Les Mangus pointed out where the next phase of the Prairie Creek Addition would be therefore requiring the pavement to be extended on 13<sup>th</sup> Street.

Gary Israel asked if there would be any outdoor exercise areas, if riding lessons would be offered and where would the manure be disposed of.

Ms. Holland answered that a cross-county course will be along the east side of the property and only used during the daytime, so there will not be a need for outdoor lighting. Riding lessons are not in their current plans. Manure will either be hauled away, composted or spread at the back of the property.

Les Mangus added that the City animal ordinance only allows six horses maximum on a tract of land that is 10 acres or larger. Ms. Holland is asking to have six of her own horses living on the property. Other horses would be allowed on the property but must leave at night.

Chairman Lindebak opened the public hearing.

There were no public comments.

Chairman Lindebak closed the public hearing.

## ANDOVER CITY PLANNING COMMISSION

## Agenda Item No. 8

**SPECIAL USE REPORT \***CASE NUMBER: **SU-2017-03**APPLICANT/AGENT: **Nicole Holland / Linda L. Lovett**REQUEST: **Special Use requested to establish a riding academy on property in the A-1 Agricultural Transition District.**

CASE HISTORY:

LOCATION: **2213 E. 13<sup>th</sup> Street, Andover, Kansas.**SITE SIZE: **±36.6 acres**PROPOSED USE: **Riding academy****ADJACENT ZONING AND EXISTING LAND USE:**

North: R-2 Single-Family Residential District – undeveloped Prairie Creek Addition

South: Butler County – AG-40

East: Butler County – AG-40 single family residence

West: A-1 Agricultural Transition District – single family residence

**Background Information:**

\* Note: This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their special use recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission's considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district classifications, (2) the applicant's reasons for seeking such reclassification, and (3) a statement

of the factors where relevant upon which the recommendation of the Commission is based using the following factors as guidelines:

**FACTORS AND FINDINGS:**

1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Uses on page 1 of 4)

YES   NO

STAFF:

PLANNING:

COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change? (See Adjacent Zoning on page 1 of 4)

YES   NO

STAFF:

PLANNING:

COUNCIL:

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

YES   NO

STAFF:

PLANNING:

COUNCIL:

4. Would the request correct an error in the application of these regulations?

YES   NO

STAFF:

PLANNING:

COUNCIL:

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

YES   NO

STAFF:

PLANNING:

COUNCIL:

6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?

YES NO

STAFF: Adequate sewer and water are available.

PLANNING:  
COUNCIL:

7. Would the subject property need to be platted or replatted in lieu of dedications made for rights of way, easements access control or building setback lines?

YES NO

STAFF: Dedication of the 50' minimum street right of way is required.

PLANNING:  
COUNCIL:

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

YES NO

STAFF:

PLANNING:  
COUNCIL:

9. Are suitable vacant lands or buildings available or not available for development that currently has the same zoning as is requested?

YES NO

STAFF: N/A

PLANNING: N/A

COUNCIL:

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

YES NO

STAFF: N/A

PLANNING: N/A

COUNCIL:

11. Is the subject property suitable for the current zoning to which it has been restricted?

YES NO

STAFF:

PLANNING:  
COUNCIL:

12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

YES NO

STAFF: Increased activity, traffic, lighting, etc.

PLANNING: Same

COUNCIL:

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

YES NO

X STAFF: The Zoning Regulations provide for the special use process for uses not specifically permitted in a zoning district, but which could be permitted in specific locations.

X PLANNING:  
COUNCIL:

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

YES NO

X STAFF: The Comp Plan suggests that the current City Limits at the east side of the subject property remain as the growth boundary until more infill occurs within the current boundaries. In the interim the proposed use is a good transition to agricultural uses.

X PLANNING:  
COUNCIL:

15. What is the nature of the support or opposition to the request?

YES NO

STAFF: None at this time.

PLANNING: Same.

COUNCIL:

16. Are there any informational materials or recommendations available from knowledgeable persons or experts which would be helpful in its evaluation?

YES NO

X STAFF: Staff knows of no reason not to approve of the special use pending the outcome of the public hearing, limited to not more than 15 horses on the property at any given time, no outdoor lighted arenas, and no public events.

X PLANNING:  
COUNCIL:

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request?

YES   NO

STAFF:

PLANNING:  
COUNCIL:

*Having considered the evidence at the hearing and the factors to evaluate the special use application, I, Mike Warrington, move that we recommend to the Governing Body that Case No. SU-2017-03 be approved for the establishment of a riding academy in the A-1 Agricultural Transition District based on the findings 6, 7, 11, 13, 14, 16 of the Planning Commission as recorded in the summary of this hearing, listed with the following conditions:*  
1. Dedication of 50ft. of 13<sup>th</sup> Street right of way to the City., 2. Limited to not more than 15 horses on the property at any given time., 3. No outdoor lighted arenas., 4. No public events.  
Motion seconded by Lynn Heath. Motion carried 7/0.

*Read by Chairman Lindebak:*

#### **CLOSING REMARKS AND PROTEST PETITIONS:**

This case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of December 12, 2017 which begins at 7:00 p.m. in this same meeting room. The tape recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.

Protest petitions against the special use, but not directed at the Commission's recommendations as such, may be received by the City Clerk for 14 days after tonight, i.e. December 5, 2017 at 4:30 p.m. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property within the official area of notification both inside and outside the City not counting public street rights of way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all the members of the City Council. (See Section 11-103.)

*The Planning Commission recessed for a 5-minute break.*

#### **Recess the Planning Commission and Convene the Board of Zoning Appeals**

*A motion was made by Lynn Heath, seconded by William Schnauber to recess the Planning Commission and Convene the Board of Zoning Appeals. Motion carried 7/0.*

9. BZA-V-2017-12- Public hearing on an application filed by Nathan Keister requesting a variance of 2,200 square feet from the required 1,000 square foot maximum aggregate total floor area for the purpose of constructing a 3,200 square foot detached garage on property zoned as the R-1 Single-Family Residential District located at 406 W. Harry St., Andover, Kansas 01:32:33

Les Mangus explained this is a 2 plus acre tract on the north side of Harry Street, west of Andover Road. There is a small section of property not owned by the applicant on the west side between this property and a horse farm in Butler County.

Nathan Keister, 406 W. Harry St., Andover, KS, applicant, was present.

Mr. Keister explained that he is selling the property and has a contract contingent upon the approval of this variance request with Brian Warren.

Mike Warrington asked if this building would be used for a business.

Brian Warren, 2194 S. Welsh Street, Wichita, KS, agent to the applicant, was present.

Mr. Warren explained that this will not be a business. His son will be living on the property. They plan to remodel the interior and exterior of the home. The exterior of the home will be painted to match the new detached garage. More trees will be added to the lot. The building will be 40 ft. x 60 ft. with a 20 ft. extended roof line over a concrete slab on the north side.

Lynn Heath asked if the entrances would be on the north side.

Mr. Warren stated that the entrance would be on the east side and will be similar to other buildings in the neighborhood. It will be used to store vehicles and trailers.

Chairman Lindebak opened the public hearing.

Cami Baker, 508 W. Harry St., Andover, KS, opposed to the size of this building and it being placed near their driveway.

Pamela Baker, 508 W. Harry St., Andover, KS, opposes the size and location of this building.

H.L. Boyles, 1157 S. Gingko Lane, Andover, KS, does not oppose this request.

Chairman Lindebak closed the public hearing.

Mike Warrington asked staff what the distance would be from this building to the house on the west side of the property.

Les Mangus said that it would be approximately 120 feet.

Gary Israel asked staff if there would be any issues with the carport extension area of this building.

Les Mangus replied no.

Chairman Lindebak asked if the applicant would be opposed if a building set back was imposed for this building.

Mr. Warren said that they plan to place the building as far north as possible and they plan to put in landscaping around the building. They would also be open to installing a fence if needed.

**ANDOVER BOARD OF ZONING APPEALS**

**Agenda Item No. 9**

**November 21, 2017**

**VARIANCE REPORT \***

**CASE NUMBER: BZA-V-2017-12**

APPLICANT/AGENT: Nathan Keister / Brian Warren

REQUEST: Nathan Keister, 406 W. Harry St., Andover, Kansas, pursuant to Section 10-107 of the City Zoning Regulations, requests a variance of 2,200 square feet from the required 1,000 square foot maximum aggregate total floor area of all accessory structures permitted by Section 6-1000C4 for the purpose of constructing a 3,200 square foot detached garage on property zoned as the R-1 Single-Family Residential District.

**CASE HISTORY:**

LOCATION: Legal description: The W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30 in Township 27 South, in Range 3 East of the 6<sup>th</sup> Principal Meridian, City of Andover, Kansas.

GENERAL LOCATION: 406 W. Harry St., Andover, Kansas.

SITE SIZE:  $\pm 2.29$  acres

**ADJACENT ZONING AND EXISTING LAND USE:**

North: R-1 Single-Family Residential District, single-family dwelling

South: R-2 Single-Family Residential District, undeveloped property

East: R-1 Single-Family Residential District, single-family dwelling

West: R-1 Single-Family Residential District, single-family dwelling and Butler County AG-40, horse farm.

\*NOTE: This report has been prepared by the Zoning Administrator to assist the Board of Zoning Appeals to determine their findings from the evidence presented at the hearing so as to base their decision for a variance on the required five findings found in Section 10-107 D 1 of the Zoning Regulations. The Board may grant a request upon specific written findings of fact when all five conditions, as required by state statutes, are found to exist. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Board of Zoning Appeals considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

**BACKGROUND INFORMATION:**

**DOES THE EVIDENCE DEMONSTRATE THAT:**

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced, **because the subject property is 2.29 acres and surrounding properties also have large accessory structures.**
2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property, **because the applicant simply desires to have a large garage for storage.**
3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, **because the subject property is 2.29 acres and surrounding properties also have large accessory structures.**
4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood, **because the subject property is 2.29 acres and surrounding properties also have large accessory structures.**

**SPECIFIED CONDITIONS TO BE MET:**

The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented at the hearing so that all five of the conditions required by K.S.A 12-759(e) have been met which are listed below. If any of the conditions cannot be met, the condition(s) needs to be reworded from a positive to a negative statement and the variance not granted.

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant, **because the subject property is 2.29 acres and surrounding properties also have large accessory structures.**
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents, **because the subject property is 2.29 acres and surrounding properties also have large accessory structures.**
3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application, **because the subject property is 2.29 acres and surrounding properties also have large accessory structures.**
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, **because the subject property is 2.29 acres and surrounding properties also have large accessory structures.**
5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations, **because the subject property is 2.29 acres and surrounding properties also have large accessory structures.**

Date Granted: November 21, 2017

Valid Until (date): May 20, 2018  
(180 days Sec. 10-107G)

/s/

Brian Lindebak, Chairman

/s/

William Schnauber, Secretary

Certified to the Zoning Administrator on this date of: November 21, 2017

*Having considered the evidence at the hearing and determined that the findings of fact in the Variance Report have been found to exist that support all five conditions set out in Section 10-107D1 of the Zoning Regulations and K.S.A. 12-759(e) of the state statutes which are necessary for granting of a variance, I Brian Lindebak move that the Chairperson be authorized to sign a Resolution granting the variance for Case No. BZA-V-2017-12 as modified subject to the condition listed: **Variance includes a 200-foot building setback off of Harry Street and screening provided as per site plan provided by applicant** as listed in the Report. Motion was seconded by Mike Warrington. Motion carried 7/0.*

Closing remarks read by Chairman Lindebak:

A Resolution will be prepared and made available to the applicant by November 30, 2017. If anyone is aggrieved by this decision, a further appeal can be made to the District Court to determine its reasonableness within 30 days after Resolution is signed and filed with the Zoning Administrator.

10. BZA-V-2017-13- Public hearing on an application filed by Ryan Weyrauch requesting a variance of 1,000 square feet from the required 1,000 square foot maximum aggregate total floor area for the purpose of constructing a 2,000 square foot detached garage on property zoned as the R-1 Single-Family Residential District located at 706 W. Willow Rd., Andover, Kansas. 02:11:58

Les Mangus explained that this is a large lot in a single-family neighborhood with large lots. Staff does not feel that the proposed building is out of character for the neighborhood.

Ryan Weyrauch, 706 W. Willow Rd., Andover, KS, applicant, was present.

Gary Israel asked what materials would be used on the exterior of the building.

Mr. Weyrauch stated that cedar siding would be used with limestone wainscoting on the front.

Chairman Lindebak opened the public hearing.

There were no public comments.

Chairman Lindebak closed the public hearing.

**ANDOVER BOARD OF ZONING APPEALS**

**Agenda Item No. 10**

**November 21, 2017**

**VARIANCE REPORT \***

**CASE NUMBER: BZA-V-2017-13**

APPLICANT/AGENT: Ryan Weyrauch

REQUEST: Ryan Weyrauch, 706 W. Willow Rd., Andover, Kansas, pursuant to Section 10-107 of the City Zoning Regulations, requests a variance of 1,000 square feet from the required 1,000 square foot maximum aggregate total floor area of all accessory structures permitted by Section 6-1000C4 for the purpose of constructing a 2,000 square foot detached garage on property zoned as the R-1 Single-Family Residential District.

**CASE HISTORY:**

LOCATION: Legal description: Lot 28, Lakeside Tracts, City of Andover, Kansas.

GENERAL LOCATION: 706 W. Willow Rd., Andover, Kansas.

SITE SIZE: ±2.7 acres

**ADJACENT ZONING AND EXISTING LAND USE:**

North: R-2 Single-Family Residential District, Terradyne golf course

South: R-1 Single-Family Residential District, single dwelling homes

East: R-1 Single-Family Residential District, single dwelling homes

West: R-1 Single-Family Residential District, single dwelling homes

\*NOTE: This report has been prepared by the Zoning Administrator to assist the Board of Zoning Appeals to determine their findings from the evidence presented at the hearing so as to base their decision for a variance on the required five findings found in Section 10-107 D 1 of the Zoning Regulations. The Board may grant a request upon specific written findings of fact when all five conditions, as required by state statutes, are found to exist. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Board of Zoning Appeals considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

**BACKGROUND INFORMATION:**

**DOES THE EVIDENCE DEMONSTRATE THAT:**

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced, **because the subject property is 2.7 acres and surrounding properties on large lots also have large accessory structures.**
2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property, **because the applicant simply desires to have a larger detached garage for storage.**
3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, **because the subject property is 2.7 acres and surrounding properties on large lots also have large accessory structures.**
4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood, **because the subject property is 2.7 acres and surrounding properties on large lots also have large accessory structures.**

**SPECIFIED CONDITIONS TO BE MET:**

The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented at the hearing so that all five of the conditions required by K.S.A 12-759(e) have been met which are listed below. If any of the conditions cannot be met, the condition(s) needs to be reworded from a positive to a negative statement and the variance not granted.

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant, **because the subject property is 2.7 acres and surrounding properties on large lots also have large accessory structures.**
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents, **because the subject property is 2.7 acres and surrounding properties on large lots also have large accessory structures.**

3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application. **because the subject property is 2.7 acres and surrounding properties on large lots also have large accessory structures.**
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, **because the subject property is 2.7 acres and surrounding properties on large lots also have large accessory structures.**
5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations, **because the subject property is 2.7 acres and surrounding properties on large lots also have large accessory structures.**

Date Granted: November 21, 2017

Valid Until (date): May 20, 2018  
(180 days Sec. 10-107G)

/s/

Brian Lindebak, Chairman

/s/

William Schnauber, Secretary

Certified to the Zoning Administrator on this date of: November 21, 2017

*Having considered the evidence at the hearing and determined that the findings of fact in the Variance Report have been found to exist that support all five conditions set out in Section 10-107D1 of the Zoning Regulations and K.S.A. 12-759(e) of the state statutes which are necessary for granting of a variance, I Mike Warrington move that the Chairperson be authorized to sign a Resolution granting the variance for Case No. BZA-V-2017-13 as requested. Motion was seconded by Gary Israel. Motion carried 7/0.*

Closing remarks read by Chairman Lindebak:

A Resolution will be prepared and made available to the applicant by November 30, 2017. If anyone is aggrieved by this decision, a further appeal can be made to the District Court to determine its reasonableness within 30 days after Resolution is signed and filed with the Zoning Administrator.

**Adjourn the Board of Zoning Appeals and Reconvene the Planning Commission.**

*A motion was made by Lynn Heath, seconded by William Schnauber to adjourn the Board of Zoning Appeals and Reconvene the Planning Commission. Motion carried 7/0.*

12. Member items.

02:22:40

Mike Warrington announced his resignation from the Planning Commission due to being elected to the City Council.

Lynn Heath noted that he plans to retire in June 2018 and will be traveling.

Kirsten Bender announced that she did not wish to continue her Planning Commission position when her appointment ends in January, 2018.

13. Adjourn.

02:28:23

*A motion was made by Lynn Heath, seconded by William Schnauber, to adjourn at 9:28 p.m. Motion carried 7/0.*

Respectfully Submitted by

Daynna DuFriend  
Administrative Assistant

Approved this 19<sup>th</sup> day of December 19, 2017 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.